No. 95-990

FILED
MAR 4 1996
CLERK

In The

Supreme Court of the United States

October Term, 1995

ROLAND A. JONES,

Petitioner,

vs.

SECRETARY OF THE ARMY, et. al.

Respondents.

Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

PETITIONER'S SUPPLEMENTAL BRIEF NO. 2

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This Court is hereby advised that an effort is under way to resolve the 1974 and 1975 passover letter issue currently pending before this Court. I have filed with the attorney of record, Mr. Drew S. Days, III, Solicitor General, a DD Form 149 (Application for the Correction of Military Records) for consideration by the Army Board for the Correction of Military Records ("ABCMR"). I have requested that action on the application be completed by March 29, 1996. A copy is on file with this Court's Office of the Clerk.

If the ABCMR grants favorable consideration, such consideration will essentially resolve all issues now pending before this Court, except for the conspiracy of respondents Matthews and Bielenberg.

The only new thing presented to the ABCMR that this Court is not already aware of is that the ABCMR, under 10 U.S.C. 1552, has the power to waive its "more than three years time provision in the interest of injustice:

> **`Regarding the Correction Board's discretionary review in the interest of justice of petitions submitted after the three-year period. . .those decisions must be made, as mandated by Congress, in the interest of justice. We expect that the Correction Board will continue to waive the limitation where justice so requires'. *Blessing-game v. Secretary of Navy*, 811 F.2d 65 (2d Cir. 1987)."**

Respectfully submitted,

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